

ESTTA Tracking number: **ESTTA533410**

Filing date: **04/19/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	TRIM-LOK, INC.		
Entity	Corporation	Citizenship	California
Address	6855 Hermosa Circle Buena Park, CA 90622 UNITED STATES		

Attorney information	Thomas I. Rozsa Rozsa Law Group LC 18757 Burbank Boulevard, Suite 220 Tarzana, CA 91356-3346 UNITED STATES amy@rozsalaw.com Phone:8187830990
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Registration Subject to Cancellation

Registration No	3835443	Registration date	08/17/2010
Registrant	GOBLE, CHARLES MONTE 740 HYDE PARK ROAD P.O. BOX 28131 LONDON, ONTARIO, N6H 5E1 CANADA		

Goods/Services Subject to Cancellation


Class 012. First Use: 2010/03/18 First Use In Commerce: 2010/03/18 All goods and services in the class are cancelled, namely: Flexible plastic protective interior and exterior edge trim for use in covering sharp edges on trains, planes, automobiles and other motor vehicles
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85755697	Application Date	10/16/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRIM-LOK		

Design Mark	
Description of Mark	The mark consists of the words and punctuation "TRIM-LOK" wherein there is a horseshoe shaped design which surrounds the word "TRIM". The words and punctuation "TRIM-LOK" are set in an arcuate design.
Goods/Services	Class 026. First use: First Use: 1972/07/22 First Use In Commerce: 1972/07/22 FLEXIBLE PROTECTIVE EDGE TRIM

U.S. Application No.	85755675	Application Date	10/16/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRIM-LOK		
Design Mark			
Description of Mark	The mark consists of the words and punctuation "TRIM-LOK" wherein there is a horseshoe shaped design which surrounds the word "TRIM".		
Goods/Services	Class 026. First use: First Use: 1972/07/22 First Use In Commerce: 1972/07/22 FLEXIBLE PROTECTIVE EDGE TRIM		

Attachments	85755697#TMSN.jpeg (1 page)(bytes) 85755675#TMSN.jpeg (1 page)(bytes) Petition to Cancel.pdf (7 pages)(218969 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Thomas I. Rozsa/
Name	Thomas I. Rozsa
Date	04/19/2013

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2 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
3 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

4 In the matter of the Trademark Registration No. 3,835,443 for "TRIM-LOK", Registered
5 on August 17, 2010

6 TRIM-LOK, INC.,)

) Cancellation No.:

7)
8 Petitioner,)

) PETITION TO CANCEL REGISTRATION

9 vs.)

10 CHARLES MONTE GOBLE)

11 Registrant.)
12)

13 Commissioner for Trademarks
14 Trademark Trial and Appeal Board
15 P.O. Box 1451
Alexandria, VA 22313-1451

16
17 **PETITION TO CANCEL REGISTRATION**



18 COMES NOW Petitioner, TRIM-LOK, INC. (hereafter "Petitioner") and Petitions
19 to Cancel Trademark Registration No. 3,835,443 for TRIM-LOK owned by CHARLES
20 MONTE GOBLE (hereafter "Registrant") on the following basis:



- 21 1. Petitioner is a California corporation having a principal
22 business address at 6855 Hermosa Circle, Buena Park, California 90622.
23
24 2. Petitioner has applied for registration of the trademark TRIM-LOK (and
25 Design) for use in conjunction with the sale of flexible protective edge trim, which
26 application has been assigned Serial No. 85/755,697 and is still pending in the United
27 States Patent and Trademark Office. Petitioner has been using the mark in conjunction
28

with the goods since at least as early as July 22, 1972.


3. Petitioner has applied for registration of the trademark TRIM-LOK (and Design) for use in conjunction with the sale of flexible protective edge trim, which application has been assigned Serial No. 85/755,675 and is still pending in the United States Patent and Trademark Office. Petitioner has been using the mark in conjunction with the goods since at least as early as July 22, 1972.

4. Petitioner is the owner of the following United States Trademark Registrations which are all still active in the United States Patent and Trademark Office:

REGISTRATION NO.	MARK
1,555,677	 For use with: preglued edge mold made of vinyl and metallic mylar for use as protective edge molding for vehicles, namely, door edge moldings in cars, edges of boats; edges of golf carts; and edges of carts in International Class 12
1,607,467	 For use with: plastic protective adhesive edge trim with peel off tape and a mylar cover for use with furniture, vehicles, spas and boats in International Class 17

1,974,495	 <p>For use with: flexible seals in various cross-sectional shapes and configurations and made of rubber to seal objects such as the edge of doors for motorhomes, trucks, cars, tractors, motorcycles, dune buggies and ski boats, motorcycle helmets, fireman's hats, gas cans, safes, desks, carts, and light fixtures, to seal them from foreign matter such as dirt, dust, air and water in International Class 17</p>
1,983,0388	 <p>For use with: flexible protective edge trim made of vinyl to cover the edge of doors for motorhomes, trucks, cars, tractors, motorcycles, dune buggies and ski boats, motorcycle helmets, fireman's hats, gas cans, and safes; combined with a cylindrical flexible seal made of rubber to seal the edge of doors for motorhomes, trucks, cars, tractors, motorcycles, dune buggies and ski boats, and motorcycle helmets, fireman's hats, gas cans, and safes from foreign matter such as dirt, dust, air and water in International Class 17</p>

5. Petitioner had the following United States Trademark Registrations which inadvertently were cancelled:

REGISTRATION NO.	MARK
1,431,273	 <p>For use with: flexible protective edge trim in International Class 26</p>

1,431,272



For use with: flexible protective edge trim
in International Class 26

6. All of Petitioner's marks including those which inadvertently were abandoned are for use with flexible edge trims and/or flexible seals.

7. Registrant is an individual whose principal address is 740 Hyde Park Road, P.O. Box 28131, London, Ontario, Canada N6H 5E1.

8. On June 12, 2009 applied in the United States Patent and Trademark Office to protect its trademark TRIM-LOK based upon a bona fide intent to use for use in conjunction with flexible edge trim. The Application was thereafter assigned Serial No. 76/697,956.

9. Registrant's trademark and the goods as applied for were exactly the same as those protected by the Petitioner's previous registrations for TRIM-LOK, Registration Nos. 1,431,271 and 1,431,272.

10. During the prosecution of the application, Registrant was required to amend the description of goods from flexible edge protective trim to flexible plastic protective interior and exterior edge trim for use in covering sharp edges on trains, planes, automobiles and other motor vehicles. The application matured into Trademark Registration No. 3,835,443 officially registered on August 17, 2010 for the mark TRIM-LOK.

11. In an office action sent from the United States Patent and Trademark Office on February 15, 2013, the Trademark Attorney examining the application of

1 Petitioner rejected Petitioner's trademark application, Serial No. 85/755,675 for the mark
2 TRIM-LOK (and Design) for use in conjunction with flexible protective edge trim on the
3 grounds that Petitioner's mark TRIM-LOK (and Design) was confusingly similar with the
4 Registrant's mark TRIM-LOK registered as Registration No. 3,835,443.
5

6 12. In an office action sent from the United States Patent and Trademark
7 Office on February 15, 2013, the Trademark Attorney examining the application of
8 Petitioner rejected Petitioner's trademark application, Serial No. 85/755,697 for the mark
9 TRIM-LOK (and Design) for use in conjunction with flexible protective edge trim on the
10 grounds that Petitioner's mark TRIM-LOK (and Design) was confusingly similar with the
11 Registrant's mark TRIM-LOK registered as Registration No. 3,835,443.
12

13 13. In the office actions identified above, the Examiner has required that the
14 Petitioner amend the description of goods but even with any amended description of
15 goods, there still would be a likelihood of confusion between Petitioner's use of the
16 marks TRIM-LOK dating back over three decades and the obvious attempt by Registrant
17 to trade off the good will by registering the marks of Petitioner that were inadvertently
18 cancelled.
19

20 14. As a result, Petitioner has been and is being damaged by the existence of
21 Trademark Registration No. 3,835,443. Petitioner will be damaged by the continued
22 registration of Registration No. 3,385,443 because if the Registrant is permitted to retain
23 the registration sought to be cancelled, and thereby, the prima facie exclusive right to use
24 in commerce the mark TRIM-LOK on goods which are extremely similar to the goods
25 offered by the Petitioner, confusion in the trade is likely to result from any concurrent use
26 of Petitioner's mark and that of the Registrant, all to the great detriment of Petitioner,
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1 who has expended considerable sums and effort in promoting its marks TRIM-LOK (and
2 Design).

3
4 15. If Registrant is permitted to retain the registration sought to be cancelled, a
5 pall will be placed on Petitioner's title in and to its trademarks TRIM-LOK (and Design)
6 and its right to enjoy the free and exclusive use thereof in connection with the sale of its
7 goods, all to the great injury of Petitioner.

8
9
10 WHEREFORE, Registrant requests that the Trademark Trial and Appeal Board
11 cancel Registration No. 3,835,443.

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13 If there is any charge required for the filing of this Petition to Cancel Registration,
14 the Commissioner of Patents and Trademarks is hereby authorized to charge my Deposit
15 Account No. 18-2222 for the appropriate fee.
16

17
18
19 Respectfully submitted,

20 

21 Date: April 19, 2013

22 Thomas I. Rozsa
23 Registration No. 29,210
24 Attorney for Petitioner
25 TRIM-LOK, INC.
26 18757 Burbank Boulevard, Suite 220
27 Tarzana, California 91356-3346
28 Telephone: (818) 783-0990
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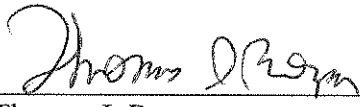
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the document entitled PETITION TO CANCEL
REGISTRATION was sent on April 19, 2013 via first class mail, postage prepaid, to the
Registrant at the following address:

Charles Monte Goble
740 Hyde Park Road
P.O. Box 28131
London, Ontario, Canada N6H 5E1

Dated: April 19, 2013


Thomas I. Rozsa
Registration No. 29,210

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